

**Developmental Disabilities Council  
Full Council  
Minutes**

**Date:** July 19, 2018

**Location:** SeaTac Airport Conference Center

**Members Present:**

Julia Bell (Council Chair), Shamra Baez, Thomas Brasted, Maggie Craughan, Tarra Hollins, Thanh Kirkpatrick, Anthony Nash, Adrian Patayon, Mike Raymond, Sue Searles, Pat Shivers, Adrienne Stuart, Donna Tiffan, Ryan Troyer, Sherrie Brown, Michelle Hoffman, David Lord, Shannon Manion, Katie Mirkovich, Mark Westenhaver

**Staff:**

Ed Holen, Donna Patrick, Linda West, Brian Dahl, Emily Rogers, Aundrea Martinez, Kathy Easton

**Guests:**

Peter Tassoni, Delaney Rice, Ivanova Smith, Diana Stadden

**Support Staff:**

Demetris Billings, Jim Quatermass, Deborah Simaika

**Call to Order**

Julia Bell called the meeting to order. She welcomed all members and asked them to introduce themselves.

**Adjustments to the Agenda**

No adjustments to the agenda were made.

## **Approval of the April Minutes**

**Membership:** Motion to approve minutes from April meeting. Adrienne moved and Maggie seconded the minutes be approved as published. The motion passed.

**Governance:** Motion to approve minutes from April meeting. Maggie moved and Katie seconded the minutes be approved as published. The motion passed.

**Public Policy:** Motion to approve minutes from April meeting. Tarra moved and Ryan seconded the minutes be approved as published. The motion passed.

**State Plan:** Motion to approve minutes from April meeting. Anthony moved and Donna seconded the minutes be approved as published. The motion passed.

### **Full Council:**

Motion to approve minutes from April 2018 Meeting. Sue Searles moved and Adriane S. seconded the minutes be approved. Donna T. asked that the spelling of her name be corrected. The motion passed.

The motioned passed with that correction and TK, Tarra, Adrian P. and Shamra abstaining.

## **DD Council Roles and Responsibilities**

Julia presented the history of DD Councils. Discussion followed around the purpose of the Council and the federal and state laws defining developmental disability. Julia would like to see Council members be more involved in public policy. **(Appendix A)**

Ed presented a power point on the role of Council staff and the governance function of Council members. Council members make decisions based on information provided by staff.

### **(Appendix B)**

Linda gave an update on the recruitment process. New members have joined the Council within the last year. There are two positions to be filled by people with intellectual and developmental disabilities (IDD). A recruitment flyer was distributed to members to hand out to those who may be interested.

The 2019 recruitment process will begin in January. It will specifically focus on individuals with IDD. **(Appendix C)**

### **Council Membership**

Julia and Brian attended the annual conference of the National Association of Councils on Developmental Disabilities (NACDD) and the Technical Assistance Seminar.

It was presented that under federal law, the Council must meet several requirements when recruiting for the Council. One of these requirements is to have “representatives, at all times, of local and nongovernmental agencies, and private nonprofit groups concerned with services for individuals with developmental disabilities in the State in which such agencies and groups are located.” (Developmental Disabilities Assistance and Bill of Rights Act of 2000)

The Council currently has a member representing a private non-profit group. There is possibly a need to recruit for a new position to represent local and non-governmental agencies. In order to

make this change, the Governor's Executive Order establishing the Council will need to be amended.

### **Council Member Development**

Member development is an important and on-going activity of the Council. The training and information provided allows Council member to better understand their roles and achieve the goals of the State Plan. Members were asked to fill out a survey and indicate their topics of greatest interest. The information collected will be brought back to the Council meeting in September.

### **(Appendix D)**

### **Council Meeting Dates:**

The Council meeting dates for the rest of 2018:

September 20-21 - Kitsap Conference Center in Bremerton  
(including the town hall meeting Sept 20<sup>th</sup>)

- November 15-16 - SeaTac Conference Center

The Council is hosting a town hall meeting the evening of September 20<sup>th</sup> at the Arc of the Peninsulas.

The meeting dates for the 2019 Council meetings have not been determined. Council members will be notified of specific dates once logistics and venues have been finalized. The locations, based on quarterly meetings, will be:

- January - Olympia
- April - SeaTac Conference Center
- July - SeaTac Conference Center
- October - Spokane

## **State Plan Overview**

Brian presented on the update for the State Plan, which guides the work of the Council. He shared that the Council is nearing the end of year two of the current plan. In preparation for the next state plan, staff will go over the components and areas in which the Council members are essential to its development and oversight.

He also reviewed possible changes to the current State Plan to be included in an update on August 15<sup>th</sup>.

The changes are to the activities in the Systems Change Goal.

Two activities that could be added to the State Plan:

- Training Community Engagement/Community Guide providers; and
- The work group to develop strategies to better serve people with IDD living with their parents.

A vote will be held at the meeting Friday to accept the proposed changes and move forward or delay inclusion until the update in December to give more time for consideration.

This is where there were questions about meeting costs and conference participation, as well as how to measure progress.

## **Budget Overview**

Ed presented the budget status report of the 2017 Federal award as of the end of May. There was \$76,000 dollars left. This puts the Council on track to spend the remaining funds as contract invoices and other bills come due.

The Council, in conference call in June, voted to spend down 2017 dollars and start spending the 2018 dollars when necessary, pending a vote to approve the 2018 budget at the July meeting. The Council received the final notice of its FFY 2018 award in late spring, which included a modest increase.

The FFY 2018 budget shows a surplus of about \$68,000. A proposal is before the Council to allocate the dollars to:

- Support up to two Local Leadership projects and a Legislative Weekend at a cost of \$50,000/year.
- Continue to support the self-advocacy/civil rights activities of the Council at a cost of \$15,000. Specifics of this proposal will be developed over the summer and presented to the Council in September.

Further discussion and vote to approve the budget is scheduled for Friday, July 20<sup>th</sup>. **(Appendix E)**

### **Open Public Meeting Act & Conflict of Interest Rules:**

Luke Eaton, WA St Assist Attorney General, joined the Council to discuss the details of the “Open Public Meeting Act” and rules around conflict of interest. Council members are subject to the same rules as state employees.

He described his background and experience in the Attorney General’s office. He used examples to illustrate the intricacies and reasoning of the “Open Public Meetings Act” and conflict of interest.

If an organization has a quorum and is taking an official action, it is subject to the Open Public Meetings Act. **(Appendix F)**

## **Advocacy Partnership**

Diana Stadden, the Arc of Washington, presented on the Advocacy Partnership Project funded by the Council and through the Arc of Washington State.

The goal of the Advocacy Partnership is to help individuals with developmental disabilities and their families speak up and have their voices heard. Diana presented on policy changes and major legislative and public policy issues. **(Appendix G)**

## **Self-Advocates in Leadership (SAIL)**

Ivanova Smith, coordinator for Self Advocates in Leadership (SAIL), presented on their activities over the last year. The Council funds the SAIL Project through the Arc of Washington State. SAIL has historically and is currently most concerned with the issue of DD institutions in Washington State. The group is also involved in the effort to ban sub-minimum wage in Seattle and is pursuing it statewide in the coming year.

SAIL has a strong membership and meets monthly in the SeaTac area. **(Appendix H)**

## **Public Policy Update:**

### **Disability Policy Seminar**

Sue and Donna T. attended the National Disability Policy Seminar in DC in April. They were there when key budget topics were explored, including funding for the DD Councils. They discussed the sessions they attended. Sue was able to use the story of her family when she had the opportunity to communicate with Congressional Representatives and their staff. **(Appendix I)**

## **NACDD National Meeting**

Julia gave an overview of the time she spent at the NACDD Annual Conference and technical assistance seminar. The five-day conference included topics ranging from Council remaining in compliance with the DD Act to Emergency Management and leadership projects across the country. **(Appendix J)**

## **RHC Workgroup update:**

The legislatively /mandated purpose is to bring together a diverse group of people to come to a common vision on the future of the RHC's. They meet monthly and Julia is the Council's representative. In addition, the group is looking to recruit more people with IDD to be members. A major concern is ensuring the appropriate levels of care for people in the state's IDD institutions.

The task force will conclude its work in October and prepare a report for the Governor and legislation by the end of the year.

## **Dementia Action Collaboration:**

Aziz has been working with the Dementia Action Collaborative. Dementia is an issue that often deeply affects members of the IDD community. At the end of June, the collaborative hosted a forum to provide information and education to concerned stakeholders.

Nearly 100 participants came together to learn and hear from professionals (including two national experts) in the science of and public policy issues of this important topic.

## **Adults with IDD Living With Their Parents:**



The focus of this workgroup is to develop recommendations and strategize on how to address the needs of adults with IDD living with their parents. This growing population and the parents are often in support roles.

The workgroup wants to ensure the health and safety of this population, providing resources to caregivers, promoting self-determination and inclusion.

### **2019 Council Legislative Agenda:**

The Council creates a legislative agenda each year. The agenda allows for flexibility in responding to legislative issues as they occur. The 2018 Legislative agenda was reviewed as an example. Staff will work to create an agenda for the 2019 legislative session. Council members will have a chance to provide input in September and vote to approve the final agenda in November. **(Appendix K)**

### **Workforce:**

Donna P. presented on the need to increase the states workforce and health and human services stated that we need more workforce in the state plan. She talked about different efforts to improve the workforce. There was a lot of discussion about the different intricate aspects of getting the workforce numbers up. **(Appendix L)**

### **Public Policy Action Items:**

The City of Seattle passed a law banning the ability of employers to pay their workers less than minimum wage. This has been justified as a training wage.

It disproportionally affects people with IDD, especially in sheltered workshops. The reasoning is simply that it is wrong to pay anyone less than minimum wage for work they do.

A preliminary statement was developed and presented to Council members. At the time of the Council meeting, about 50 organizations had signed on in support of the proposal. The Council was asked to support the ban. **(Appendix M)**

Pat moved and Mike seconded to have the Council sign on in support of ending the practice of paying sub-minimum wage across the state. Discussion followed. The motion carried.

### **Public Comment:**

There were no public comment.

A recess was called until 8:30 AM, Friday, July 20, 2018.

**Date:** July 20, 2018

**Location:** SeaTac Airport Conference Center

### **Members Present:**

Julia Bell (Council Chair), Shamra Baez, Thomas Brasted, Maggie Craughan, Tarra Hollins, Thanh Kirkpatrick, Anthony Nash, Adrian Patayon, Mike Raymond, Ronnie San Nicolas, Pat Shivers, Adrienne Stuart, Donna Tiffan, Ryan Troyer, Sherrie Brown, Michelle Hoffman, David Lord, Shannon Manion, Katie Mirkovich, Janice Tornow, Mark Westenhaver

### **Staff:**

Ed Holen, Donna Patrick, Linda West, Brian Dahl, Emily Rogers, Aundrea Martinez, Kathy Easton

**Guests:**

Peter Tassoni, Delaney Rice

**Support Staff:**

Demetris Billings, Jim Quatermass, Deborah Simaika

**Call to Order**

Julia called the meeting to order. She asked for introductions and for Council members to report on their homework assignment from the last meeting.

**Agency Updates**

Agency representatives reported on what was going on in their organizations. Representatives from the DD Network Partners were asked to give their reports in September.

**Developmental Disabilities Administration**

Shannon Manion reported that:

- Independent Providers will soon be managed through a single agency which should free up Case Managers to do more “actual” case manager work. DDA is still trying to implement electronic visit employment verification. The feds extended the deadline without penalties.
- Four out of five of the DDA waivers have been approved by the federal government. This has provided the opportunity to align services, such as Positive Behavior Supports and skilled nursing with other agencies.
- DDA is addressing the challenges of decertification of the RHC’s.
- Milestones:

- One waiver has over 20,000 individuals receiving home and community based services
  - There are 52,000 people on the caseload
  - About 13,000 people receive Community First Choice
  - 12,000 people on the DDA “No Paid Services” caseload.
- One thing to note that makes DDA different from how other agencies operate: Just because an individual meets the eligibility criteria does not mean he/she will receive services. The services DDA provides are based on funding capacity, not entitlement.

## **Division of Vocational Rehabilitation**

Katie Mirkovich reported that DVR is a federal program for eligible individuals with disabilities who require assistance to prepare for, retain, regain, or advance in competitive, integrated employment.

Following an update to chapter 388-891A WAC, which aligns state and federal rules under WIOA DVR may now pay for the provision of extended services to a youth with a most significant disability on a case-by-case individualized basis from the date time-limited support services have ended or until the youth with a most significant disability reaches the age of 25, under the following conditions:

- 1) the customer is a “youth with a most significant disability,” meaning that they are 24 years of age or younger, and receiving supported employment services;
- 2) the counselor and customer have discussed whether continued time-limited supported employment is appropriate, and both have determined that no further time-limited supported employment services are needed to support and maintain their supported employment before they transition to extended services;

3) no other source of extended services including natural supports are available for the customer.

DVR must not provide extended services for anyone who does not meet this criteria. The circumstances under which these services will be provided will be quite limited.

To encourage individuals who become known to DVR as employed at sub-minimum wage jobs to seek competitive integrated employment, DVR continues to provide career counseling information and referral services at prescribed intervals.

Individuals who receive these services may make different decisions about their employment and work with DVR to establish new goals. Vocational rehabilitation services often result in employment in an integrated setting at a competitive wage.

Lastly, DVR is close to finalizing a draft DVR-DDA Memorandum of Understanding (MOU). This agreement describes the general criteria and processes for DVR and DDA to provide seamless and consistent supported employment service delivery statewide to mutual clients.

### **OSPI Special Education**

Janice Tornow handed out an overview of education of the state. The hand-out showed the six new ways of improving outcomes for students with disabilities and OSPI new priorities.

1. Changes are for should help para-professionals and school districts through Evidence Based Practices to assist in closing the achievement gaps.

2. There is a Project to teach personal care training while in schools; where it teaches personal care training program and still this is still being worked on.
3. OSPI is working with DDA and DVR to improve transition outcomes of students that are exiting the systems
4. The biggest struggle is shortage of staff and trainers.

## **Health Care Authority (Medicaid)**

Mark Westenhaver reported on:

### Fully Integrated Managed Care

Most people get their healthcare through a managed care organization. To increase efficiency and reduce gaps between systems in the past, the new managed care system will provide all Medicaid services. It will become a one-stop shop to get the needed services and one organization that will be accountable for those services. This was piloted in Clark County in 2016. Lessons were learned before the implementation in Chelan Douglas in January of 2018. It will probably go statewide in 2019, a year ahead of the legislatively-mandated date.

Dental will also be included in Managed Care. This will, hopefully, lead to serving more people at a lower cost and with higher quality. Dental coverage is scheduled begin in 2019

## **DOH Maternal and Child Health**

Michelle Hoffman reported:

- 1) Washington State Leadership Institute had its annual meeting June 26<sup>th</sup> where inclusion and providing support to communities who may want to replicate the WIN initiative in their community were discussed.

- 2) Autism Spectrum 3D—the grant is planning our Washington Autism Advocacy Coalition meeting Nov 5<sup>th</sup>. A number of adult autistic advocates have been involved in the planning committee and on several aspects of the grant.
- 3) AS3D this autism grant gave some funding to PAVE to work with tribes in Cle Elum County and other areas of the Peninsula for an autism awareness event in partnership with the Kinship Navigator program at ALTSA and parent to parent representatives.
- 4) Referred Stacey Saunders who is the Home Care Aide Program Manager to Donna Patrick to engage in discussion on Donna's Workforce Development projects to improve individuals' and families' access to respite and personal care providers.

## **Overview of DD Act Requirements and Current Activities**

Julia introduced an activity designed to help Council members understand how the projects and activities of the Council and its individual members intersect with the work requirements listed within the DD Act. The groups talked about what the Council does and how it fits into the following areas:

- Outreach;
- Training;
- Technical Assistance;
- Supporting and Educating Communities;
- Inter-agency Collaboration and Communication;
- Coordination with related Councils, Committees and Programs;
- Barrier Elimination, Systems Design and Redesign;
- Coalition Development and Citizen Participation;
- Informing Policy Makers; and
- Demonstrations of New Approaches to Services and Supports

At the conclusion of the activity, members' reported to the full Council. One takeaway was Council member's understanding of the purpose of the Council and the work being done.

## **Action Items**

### **State Plan Amendment**

After discussion, the Council decided to delay any updates to activities for this time. Staff will work on updates to be included in the Program Performance Review (PPR) in December and continue to update the State Plan regarding demographics, Comprehensive Review and Analysis and the budget to be included in the August 15<sup>th</sup> update. Staff will report to the Council in September.

## **Budget Proposals**

### **Local Leadership**

The Chair led a discussion about the leadership proposal. The proposal had three basic components:

- 1) Approve spending \$50,000 from Federal Fiscal Year 2018 funds to support Local Leadership;
- 2) Approve the staff to proceed with creating the Request for Proposal process and determine projects supporting two Local Leadership projects and one Legislative training between October 1, 2018 and September 30, 2019; and
- 3) Approve \$50,000 to support Local Leadership projects in Federal Fiscal Years 2019 and 2020, barring any unforeseen circumstances.



Discussion followed.

Pat moved and Mike seconded to allot \$50,000 to support Local Leadership projects from Federal Fiscal Year 2018 funds. The motion carried.

Adrian moved and Maggie seconded to allot \$50,000 from Federal Fiscal Year 2019 and 2020 funds to support Local Leadership, barring any unforeseen circumstances. The motion carried.

Pat moved and Mike seconded to direct the Executive Director and staff to proceed with the activities necessary to begin Local Leadership projects beginning October 1, 2018. The motion carried.

### **Self-Advocacy Set Aside**

The Council discussed the proposal to set aside \$15,000 to support self-advocacy/civil rights activities in Washington State to begin October 1, 2018. Staff will develop a specific proposal for the September 2018 Council meeting.

Adrian P. moved and Ronnie seconded to allocate \$15,000 of the Federal Fiscal Year 2018 funds to support self-advocacy/civil rights activities in Washington State. The motion carried.

### **2018-2019 Proposed Budget**

The Council discussed the 2018-2019 budget. There was a request that future budgets be presented in more detail.

Anthony moved and Mike seconded to approve the FFY 2018 budget as presented. The motion carried.

### **Public Comment**

There were no public comments.

### **Agenda Items for Next Meeting/Housekeeping**

#### Council Member Homework

Julia requested that all Council members have contact with someone in their community and tell them about the DD Council. She would like everyone to report back at the September meeting and describe what happened.

#### Member Development Surveys

Members were asked to fill out the member development surveys and hand into staff before they leave for the day.

#### September 2018 Council Meeting

Council members were reminded that the September meeting is in Bremerton. On the evening of September 19<sup>th</sup> the Council will host a town hall event for the Bremerton area community.

### **Adjourn**

Maggie moved and Mike seconded to adjourn the meeting. The motion carried.

## **Appendix**

### **Appendix A:**

#### Goals for This Council Meeting

- Meet as a “Committee of the Whole”
  - ✓ Get acquainted with each other and welcome new Council members
  - ✓ Address issues on the agenda together as a group so we all have same information and benefit from group discussions
  - ✓ Accomplish all time-sensitive work and determine action steps for work to address at the next two meetings of the full Council.

## Chair's Goals

- ❖ Everyone participates
- ❖ Everyone ask questions if they have them
- ❖ Everyone contributes to our discussions
- ❖ Every Council member is comfortable that you have all the information necessary when it is time for a vote

And a couple more --

- ❖ Every question is valued
- ❖ Every opinion is shown respect
- ❖ With lots to accomplish and a crowded agenda, I will be forgiven if I have to ask someone to finish his/her comments so others can share as well.

## Meeting Agenda and Plan

- Review of Council Responsibilities and Actions Needed
- Introduction to Decision Items
  - Potential New Projects
  - FY2018 Budget Proposal

## Meeting Agenda and Plan (continued)

- Presentation re Open Public Meetings & Conflict of Interest Rules
- Advocacy Activities – Overview, updates from subcontractors, updates on Council member and staff activities, and key issues

## Meeting Agenda and Plan (continued)

- Updates from Agency representatives
- Group review of Council Activities \*
- Votes on Action items – funding for new projects and FY2018 Budget

\* keep notes of projects & activities today to be ready for this activity!

# DD COUNCIL ROLES AND RESPONSIBILITIES

The Washington DD Council is a federally- funded agency.

As Council members we need to remember that we are a publicly-funded organization, with all the associated rules and responsibilities.

## Our Federal Statute

### The Developmental Disabilities Assistance and Bill of Rights Act of 2000

The purpose of the DD Act) is --  
to assure that individuals with  
DD & their families **participate in**  
**the design of**, and **have access to**,  
needed community services,  
individualized supports, and other  
forms of assistance that . . .



... promote self-determination,  
independence, productivity, and  
integration and inclusion in all  
facets of community life,

... through culturally competent  
programs authorized under the law.

### *What is a **Developmental Disability**?*

The federal DD Act provides a  
definition – **which is the one the  
Council must utilize in our work –**

It is a **functional definition**, not the  
same as the one used in Washington  
State to determine eligibility for State  
services. The definition does not  
mention IQ, nor does it name any  
specific diagnosis.

“(A) In general, the term “developmental disability” means a severe, chronic disability of an individual that —

i) is attributable to a mental or physical impairment or combination of mental and physical impairments;

ii) is manifested before the individual attains age 22;

iii) is likely to continue indefinitely;

iv) results in substantial functional limitations in 3 or more of the following areas of major life activity:

- I) Self-Care
- II) Receptive & expressive language;
- III) Learning
- IV) Mobility
- V) Self-direction
- VI) Capacity for independent living
- VII) Economic self-sufficiency; and

v) reflects the individual's need for a combination & sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned & coordinated.

## The DD Act -

- Defines the population
- Requires each State/Territory receiving funds to develop a State Plan, which includes establishing a DD Council
- Details who must serve on the Council
- Spells out the Council's responsibilities

## Council Responsibilities

- Advocacy, Capacity Building & Systemic Change Activities
- Development and annual review of goals
- State Plan Development
- State Plan Implementation

## Appendix B:



Staff Roles and Responsibilities  
Ed Holen  
Thursday, July 19 2018

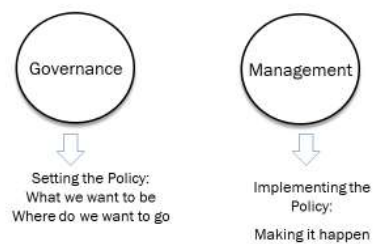
### Governance by Policy: Works on a fundamental assumption

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### Two Major Tasks in any (Healthy) Organization

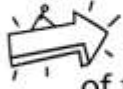
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## Governance

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- The tasks and responsibilities to establish, monitor and evaluate the



policy direction  
of the organization

### Staff implements the Policy Direction

As determined by Council Policy, staff implements it through:

The State Plan

The Budget

The Public Policy Agenda

### State Plan

Staff:

- Researches the comprehensive analysis of the state
- Develops performance recommendations; outcomes and outputs
- Implements the Objectives and Performance Measures of the State Plan, either through contract or in house/staff activities
- Prepares and submits annual report

## Budget

### Staff:

- Prepares a recommended budget for the Council to approve
- Makes allotments for the state budget system
- Monitors monthly expenditures
- Reviews annual fiscal report, prepared by Commerce, to be submitted to the feds
- Presents budget/expenditure status to Council quarterly

## Projects contracted out

### Staff:

- Prepares and implements the procurement process for each project
- Conducts the proposal evaluation process
- Negotiates contract with each provider
- Conducts contractor risk assessment
- Monitors contractors performance, reviews reports, and approves expenditures

## Public Policy Agenda

### Staff:

- Presents recommended Public Policy Agenda for Council approval
- Monitors items/issues that fit under the Agenda
- Leads or supports policy activity on each item
- Reports progress to the Council

## Council Operations

### Staff:

- Assures Council is meeting expectations of state and federal operations, budget, contracting, human resources, technology, office space, etc.
- Interacts with Designated State Agency as needed

## Staff Activities Report

Specific activities are report quarterly to the Council

Organized to correspond the State Plan goals

## Staff Time

On average, staff spends at least 70% of time on State Plan implementation

The balance of time spent on Council Operations (activities to support the operational and administrative aspects of the Council)

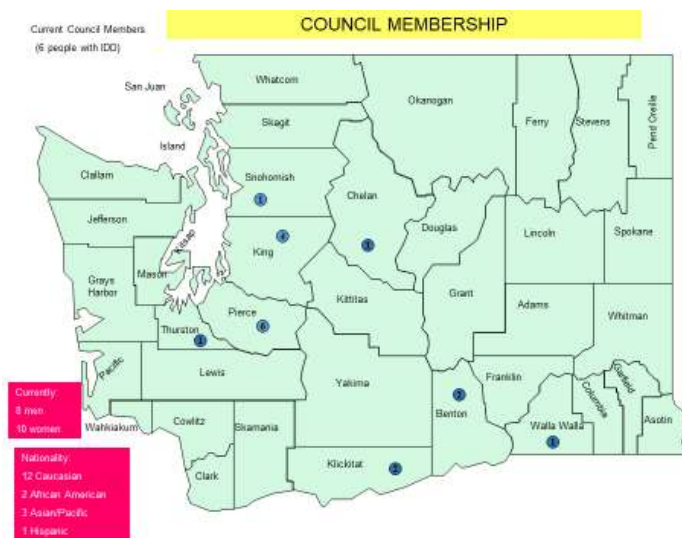
Documented by staff time sheets



## 2018 Round of Membership Applications

Goal: to fill four positions on the Council

- After interviews with candidates, interview team recommended candidates for two positions and they were appointed by the Governor
- Interview Team extended recruitment for two positions to focus on more self-advocate candidates



## Appendix C:



The Washington State Developmental Disabilities Council is seeking candidates to fill open positions on the Governor-appointed Council.

### Who Can Apply

The Council is seeing candidates who are Individuals with Intellectual/Developmental Disabilities (IDD)

The Council is especially interested in candidates from the diverse geographic, ethnic and cultural communities in Washington and the Native American Nations.

Candidates will be interviewed by the DDC Membership Team, however, final selection of members is made by the Governor's office. Members will hold a three-year term and are eligible for reappointment for a second term. The Council covers all expenses, including travel to meetings, meals and lodging.

## DD Council Recruiting for People with Intellectual Disabilities

### For More Information

For more information, contact Ed Holen or Linda West at 800-634-4473.

### To Apply

Go to the Governor's website at <http://www.governor.wa.gov/boards-commissions/board-and-commissions/apply-serve-board-or-commission-0> and click on apply. Application deadline is July 6, 2018.

## **The Work of the Council**

The Washington State Developmental Disabilities Council mission is to advocate, promote and implement policies and practices over the life course to create pathways to meaningful, integrated and productive lives for people with I/DD.

For information check out the Council's website at [www.ddc.wa.gov](http://www.ddc.wa.gov)

## Appendix D:

### COUNCIL MEMBER DEVELOPMENT

#### SURVEY OF INTERESTS/NEEDS

Please put an X next to items that you would like to have more information and/or training about in order to fulfill your responsibilities as a member of the DD Council.

Council History and Operations	
History of the Disability Rights Movement in the U.S and Washington State	
Developmental Disabilities Act (the Council's governing federal law)	
State Legislative Issues affecting persons with I/DD and their families	
State Legislative and Regulatory Processes	
Federal Policy/Legislative Issues	
Federal Legislative and Regulatory Processes	
Local Community Engagement	
Selecting and evaluating Council projects to achieve systems change results	
Other Topics:	

## Appendix E:

	Federal Award 2017		
	Budget	Actuals	Variance
<b>Council Operations</b>		<i>Expenditures from June 2017 through May 2018</i>	
<b>Expenditures:</b>			
Salaries and Benefits	194,639	157,502	37,137
Goods and Services	60,000	72,142	(12,142)
Travel	0	80	(80)
Equipment	6,000	2,642	3,358
<b>TOTAL</b>	<b>260,639</b>	<b>232,366</b>	<b>28,273</b>
<b>Percentage of Total Budget</b>	<b>22%</b>	<b>19%</b>	
	<b>Budget</b>	<b>Actuals</b>	<b>Variance</b>
<b>State Plan Activities</b>		<i>Expenditures from June 2017 through May 2018</i>	
<b>Expenditures:</b>			
Salaries and Benefits	454,157	388,815	65,342
Goods and Services	96,000	99,322	(3,322)
Travel	38,000	32,207	5,793
Contracts	250,456	247,758	2,698
Council Meeting Costs	50,000	72,344	(22,344)
<b>TOTAL</b>	<b>888,613</b>	<b>840,446</b>	<b>48,167</b>
<b>Percentage of Total Budget</b>	<b>74%</b>	<b>70%</b>	
	<b>Budget</b>	<b>Actuals</b>	<b>Variance</b>
<b>Combined Budget</b>		<i>Expenditures from June 2017 through May 2018</i>	
<b>Expenditures:</b>			
Salaries and Benefits	648,796	546,317	102,479
Goods and Services	156,000	171,464	(15,464)
Travel	38,000	32,287	5,713
Equipment	6,000	2,642	3,358
Contracts	250,456	247,758	2,698
Council Meeting Costs	50,000	72,344	(22,344)
Indirect	50,000	50,000	0
<b>TOTAL</b>	<b>1,199,252</b>	<b>1,122,812</b>	<b>76,440</b>
<b>Total 2017 Award</b>	<b>1,199,252</b>		
	0		
<b>Notes:</b>			
1. Award began October 1, 2016. Must be fully liquidated (spent) by September 30, 2019.			

	Informing Families and Building Trust - FY18 Regular		
	Budget	Actuals	Variance
	<i>July 1, 2017 to June 30, 2018</i>	<i>YTD Expenditures thru May 2018</i>	
<b>Expenditures:</b>			
Salaries and Benefits	25,200	12,446	12,754
Goods and Services	33,455	66,906	(33,451)
Travel	0	7,233	(7,233)
Contracts	126,100	78,564	47,536
Indirect	12,045	19,556	(7,511)
<b>TOTAL</b>	<b>196,800</b>	<b>184,705</b>	<b>12,095</b>

### Informing Families and Building Trust - FY18 Smart Living

	Budget	Actuals	Variance
	<i>July 1, 2017 to June 30, 2018</i>	<i>YTD Expenditures thru May 2018</i>	
<b>Expenditures:</b>			
Salaries and Benefits	0	0	0
Goods and Services	0	0	0
Travel	0	0	0
Contracts	94,700	52,031	42,669
Indirect	300	130	170
<b>TOTAL</b>	<b>95,000</b>	<b>52,161</b>	<b>42,839</b>

### Informing Families and Building Trust - FY18 Local Engagement

	<b>Budget</b>	<b>Actuals</b>	<b>Variance</b>
	<i>July 1, 2017 to June 30, 2018</i>	<i>YTD Expenditures thru May 2018</i>	
<b>Expenditures:</b>			
Salaries and Benefits	0	0	0
Goods and Services	16,808	5,305	11,503
Travel	0	1,762	(1,762)
Contracts	19,950	2,505	17,445
Indirect	50	1,682	(1,632)
<b>TOTAL</b>	<b>36,808</b>	<b>11,254</b>	<b>25,554</b>

Notes:

1. Added balance of 16,808 from RCL per authorization from DSHS

### Informing Families and Building Trust - FY18 Cultural & Linguistic

	<b>Budget</b>	<b>Actuals</b>	<b>Variance</b>
	<i>July 1, 2017 to June 30, 2018</i>	<i>YTD Expenditures thru May 2018</i>	
<b>Expenditures:</b>			
Salaries and Benefits	0	0	0
Goods and Services	0	0	0
Travel	0	0	0
Contracts	24,950	19,022	5,928
Indirect	50	48	2
<b>TOTAL</b>	<b>25,000</b>	<b>19,070</b>	<b>5,930</b>

DDC All Programs 17-19 Budget - May FY1 Close			
Total Funding	Expenditures	Balance	Percent of Total Budget
\$1,199,252	\$1,122,812	\$76,440	41.53%
\$1,334,454	\$0	\$1,334,454	46.21%
\$353,800	\$267,382	\$86,418	12.25%
<b>\$2,887,506</b>	<b>\$1,390,194</b>	<b>\$1,497,312</b>	<b>100.00 %</b>



## Appendix F:

# Understanding Ethics in Public Service & the Open Public Meetings Act



Washington State Attorney General's Office  
Agriculture and Health Division

## Foremost, Public Service is a Public Trust.

### Ethics Laws



- Ethics laws promote honesty, integrity, and fairness in government.
- Ethics laws help public servants avoid violating or appearing to violate the public trust.
- State officers are expected to conduct state business only in ways that advance the public interest— never for personal gain.

### OPMA



- The public should and must remain informed.
- Public commissions, boards, councils, exist to aid in the conduct of people's businesses; therefore, their actions are to be taken openly and deliberations conducted openly. RCW 42.30.010
- The purpose of the OPMA is to allow the public to view the "decision-making process." – Washington State Supreme Court
- Transparency builds public confidence in government.

First this presentation will discuss the Ethics in Public Service Act RCW 42.52, and then it will explain the Washington's Open Public Meetings Act (OPMA) RCW 42.30



## Ethics in Public Service Act: RCW 42.52

### Who does it apply to?

- State employees and state officers are subject to Ethics in Public Service Act. RCW 42.52
  - **"State officers"** are members of boards, commissions, and committees. RCW 42.52.010

### When does it apply?

- ① Use of State Resources
- ② Conflicts of Interest
- ③ Confidential Information
- ④ Receipt of Gifts
- ⑤ Political Activities
- ⑥ Post-state Employment

# 1

State resources are to be used for the conduct of official state business ONLY.

- State equipment, office space, vehicles, supplies, postage, and personnel must NEVER be used to support an outside business (whether for profit or non-profit), for commercial activities, or for political activities.



# 2

## Conflicts of Interest

Conflicts of interest arise whenever a state officer's or employee's personal, financial, or professional interests are potentially at odds with his or her official duty or the best interests of the board, commission, or committee on which he or she serves.

- E.g. performing work on a state contract you supervise; outside employment related to your official duties; decision-making related to a person with whom you have a close relationship.

## Recusal

Recusal is the process by which a person is disqualified or disqualifies himself or herself from participation in a matter due to a conflict of interest.

- Recusal is required when a financial or personal interest might reasonably be expected to impair a state official's objectivity and independence of judgment in the exercise of his/her official duties or create an appearance of impropriety.

## Conflicts of Interest Continued

- RCW 42.32.070 is a state law that provides a code of ethics:
  - An officer may not use his or her position to secure special privileges for himself, herself or others;
  - An officer may not directly, or indirectly give or receive any compensation, gift, gratuity, or reward from any source for a matter connected with the officer's duties
  - An officer may not accept employment or have business if it would require him or her to disclose confidential information
  - An officer cannot disclose confidential information he or she learned in their role as an officer
- There have been lots of cases about conflicts of interests, so if you ever have a question, contact the Attorney General's Office!
- For example, the Washington Supreme Court has held that the idea that a councilmember may not vote on a matter where he or she would be benefited is a principle that is "as old as the law itself." *Smith v. Centralia*, 55 Wash. 573, (1909)

### 3

## Confidential Information

- Confidential information is specific information that is not available to the general public on request or information made confidential by law. RCW 42.52.010.
- Board, commission, or committee members often have access to such information. Typically, this includes patient health information and information related to open cases.

### Under No Circumstances:

- may confidential information be used for personal benefit or for the benefit of others. RCW 42.52.050(2).
- disclose confidential information to any person not authorized to receive the information. RCW 42.52.050(3).

## Confidential Information Continued

The obligation to safeguard confidential information continues after you leave state service.

Violations may subject you to civil liability, civil penalties, and loss of qualified immunity.



But remember, you may not intentionally conceal records required to be released under the Public Records Act. RCW 42.52.050(4).

## 4 Receipt of Gifts

- Gifts, gratuities, and favors may NOT be accepted if it could be reasonably expected to influence the performance or non-performance of official duties; or it could be considered as part of a reward for action or inaction in the performance of official duties



**A State Officer/ Employee Who  
Regulates:**

**In NOT allowed to accept:**

- Gifts for speeches or appearances made in an official capacity;
- Payments for educational programs or seminars (even if sponsored by governmental, professional, educational, nonprofit, trade, or charitable organizations).
- Flowers, plants, or floral arrangements.

RCW 42.52.150(4)(g)(i)-(iii).

**What should you do when you receive a  
gift that would be improper to accept?**

If someone gives you a gift you may not accept (and you cannot refuse the gift at the outset), you may, within 30 days:



Return it to the sender; or donate it to a charity.



Follow up with a letter telling the sender what you did and that you may not accept the gift according to the state ethics law.



## Political Activities

State resources may not be used for any political campaigning.  
RCW 42.52.180



## Post-state Employment

A state officer or employee is restricted from accepting certain employment after leaving state service if it is determined that the former state officer or employee would personally benefit as a result of actions and decisions made while serving the public. RCW 42.52.080.



## Enforcement

The Executive Ethics Board enforces the ethics law and has authority to investigate, hear, and determine allegations of ethics violations and impose sanctions including reprimands and monetary penalties.

See RCW 42.52.360, .390-.540.



## Questions or Want to Learn More about Ethics in Public Service Act?

Visit WA State Executive Ethics Board for

- Relevant laws & rules
- Advisory opinions
- FAQs
- Online Training Aids (Hypotheticals and Answers)

[http://www.ethics.wa.gov/TRAINING/Ethics\\_Manual.htm](http://www.ethics.wa.gov/TRAINING/Ethics_Manual.htm) or

<http://www.ethics.wa.gov/TRAINING/quiz/popquiz.htm>

Next, we will be discussing the Open Public Meetings Act (OPMA).

## Washington's Open Public Meetings Act (OPMA) RCW 42.30

### Who does it apply to?

**Multi-member public state and local agencies** created by or pursuant to a statute, other than courts and the legislature as follows:

- Any state board, commission, department, educational institution, or other state agency including subagencies. (e.g. planning commissions, library or park boards, commissions, and agencies.)
- Any county, city, school district, special purpose district, or other municipal corporation or political subdivision of Washington.
- Any policy group whose membership includes representatives of publicly owned utilities formed by or pursuant to the laws of this state when meeting together as or on behalf of participants who have contracted for the output of generating plants being planned or built by an operating agency. RCW 42.30.020

### Who does it NOT apply to?

\*OPMA Does Not Apply To:

\*Entities

\*Courts

\*Legislature

\*Agencies that do not meet the definition of "public agency" as defined in to OPMA.

\*Private Organizations

\*Activities

\*Licensing/permitting for businesses, occupations or professions or their disciplinary proceedings, or proceedings to receive a license for a sports activity or operate a mechanical device or motor vehicle.

\*Quasi-judicial matters

\*Matters governed by the Washington Administrative Procedure Act, RCW 34.05

\*Collective Bargaining.

RCW 42.30.020(1), RCW 42.30.140

## What does OPMA require?

That ALL meetings of the governing body of a public agency shall be open and public, and all persons shall be permitted to attend any meeting of the governing body of a public agency, except as otherwise prohibited in RCW 42.30.

RCW 42.30.020

## What is a governing body?

The **multimember board or other policy or rule-making body;**

OR

Any **committee** of such public agency when:

- the committee acts on behalf of the governing body;
- conducts hearings; or
- takes testimony or public comment.

RCW 42.30.020



## What is a “meeting” for purposes of the OPMA?

- A “meeting” means meetings at which the public agency takes “action.” RCW 42.30.020
- “Action” means the transaction of the official business of the public agency and includes but is not limited to:
  - Public Testimony
  - All Deliberations
  - Discussions
  - Considerations
  - Reviews
  - Evaluations
  - Final Actions

A “meeting” of a governing body occurs when a majority of its members (quorum) gathers with the collective intent of transacting the governing body’s business. *Citizens Alliance for Property Rights Legal Fund v. San Juan County*

## What exactly is required for a “meeting” to occur?

- Physical presence is NOT required. Phone or email is sufficient to trigger the OPMA.
- An exchange of email could constitute a “meeting” if a quorum of the members participate in the exchange and discuss agency business; however, simply receiving information without comment is not a meeting. *Wood v. Battle Grounds School District; Citizens Alliance for Property Rights Legal Fund v. San Juan County.*



- It does need to be titled a “meeting.” OPMA applies to “retreats,” “workshops,” “study sessions,” etc.
- It must have a quorum. No meeting occurs if the governing body lacks a quorum.

## What does Final Action mean?

- “Final action” is a collective positive or negative decision, or an actual vote, by a majority of the governing body, or by the “committee thereof.”
- “Final action” must be taken in public, even if deliberations occurred in a closed session.
- Secret ballots ARE NOT allowed.

RCW 42.30.060; RCW 42.30.020

## Regular Meetings

“Regular meetings” are recurring meetings held in accordance with a periodic schedule by ordinance, resolution, bylaws, or other rules.

### A state public agency must:

Yearly, file with Code Reviser a schedule of regular meetings, including time and place.

Publish changes to regular meeting schedule in state register at least 20 days prior to rescheduled date.

RCW 42.30.070; RCW 42.30.075; RCW 42.30.077

RCW 42.30.077 requires governing bodies to make the agenda of each regular meeting of the governing body available online no later than 24 hours in advance of the published start time of the meeting.

However, this law does not apply to agencies that do not have websites, or employ fewer than 10 full-time employees.

## This law does not:

- Restrict agencies from later modifying an agenda,
- Invalidate otherwise legal actions taken at a regular meeting where agenda was not posted 24 hours in advance;
- Satisfy public notice requirements established under other laws; or
- Provide a basis to award attorneys fees or seek court order under OPMA if agenda is not posted in accordance with this law.

## “Special” Meetings



- A “**special meeting**” is a meeting that is not a regular meeting (not a regularly scheduled meeting).
- Called by presiding officer or majority of the members
- Notice: 24 hours before the special meeting, written notice must be:
  - Given to each **member** of the governing body (unless waived);
  - Given to each **local newspaper of general circulation, radio, and TV station** which has a notice request on file;
  - Posted on the **agency’s website** [with certain exceptions in RCW 42.30.080(2)(b), for example, if the agency does not have a website]; and
  - Prominently **displayed at the main entrance** of the agency’s principal location and the meeting site (if not that same location)

RCW 42.30.080

## “Special” Meeting Requirements

### Notice Requirements:

1. Time
2. Place
3. Business to be transacted (agenda).



## Emergency Special Meetings

- Emergency involves injury or damage to persons or property or the likelihood of such injury or damage
- Where time requirements of notice make notice impractical and increase likelihood of such injury or damage.
- RCW 42.30.080(4)

\*Notice is not required when dealing with an emergency.

## Traveling & Gathering



- A majority of the members of a governing body may travel together or gather for purposes other than a regular meeting or a special meeting, so long as no action is taken.
- Discussion or consideration of official business would be action, triggering the requirements of the OPMA.

RCW 42.30.070

## What is an Executive Session?

- Part of a regular or special meeting that is closed to the public.
- Limited to specific purposes set out in the OPMA.
- Requirements:
  - ✓ Purpose of the executive session and the time it will end must be announced by the presiding officer before it begins.
  - ✓ Time may be extended by further announcement

RCW 42.30.110



## Specified Purposes for Executive Sessions:

- National Security
- Real estate
  - Site selection or acquisition of real estate
    - Lease or purchase.
    - Public knowledge would likely increase price.
  - Sale or lease
    - Public knowledge would likely decrease price.
    - Final action selling or leasing public property must be take at open meeting.
- Publicly bid contracts
  - Review negotiations on performance.
  - Public knowledge would like increase costs.
- Evaluate qualifications of applicant for public employment.
- Meet with legal counsel regarding enforcement actions, litigation or potential litigation.
- Other purposes listed in RCW 42.30.110.

RCW 42.30.110

## **Executive Session to Discuss Agency Enforcement Actions, Litigation or Potential Litigation**



- This executive session is not permitted just because legal counsel is present.
- This executive session must address:
  - Agency enforcement action
  - Agency litigation or
  - Potential litigation

RCW 42.30.110



### Executive Session to Discuss Agency Enforcement Actions, Litigation, or Potential Litigation: Three Requirements

1. Legal counsel representing the agency is present.
2. Purpose is to discuss agency enforcement action, litigation or potential litigation to which the agency, governing body, or a member acting in official capacity is, or is likely to become, a party.
3. Public knowledge regarding discussion likely to result in an adverse legal or financial consequence to the agency.

RCW 42.30.110

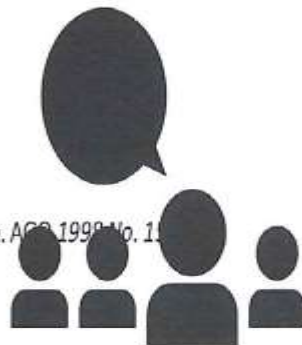
## Public Attendance

A public agency cannot place conditions on the public to attend meeting subject to OPMA:

- For example, proceedings governed by OPMA, cannot require people to register their names or other information, complete a questionnaire, or otherwise fulfill any condition precedent to attendance.

RCW 42.30.040

- Reasonable rules of conduct can be set.
- Cameras and tape recorders are permitted unless disruptive. AGO 1998 No. 1
- OPMA does not require a "public comment" period.



## Interruptions & Disruptions

- The OPMA provides a procedure for dealing with situations where a meeting is being interrupted so the orderly conduct of the meeting is unfeasible, and order cannot be restored by removal of the disruptive persons.

The meeting room can be cleared and meeting can continue; or the meeting can be moved to another location, but final disposition can occur only on matters appearing on the agenda. More details are set out in the OPMA.

RCW 42.30.050

## Requirements for Minutes: RCW 42.30.035

- Minutes of public meetings must be promptly recorded and open to public inspection.
- Minutes of an executive session are not required.
- No format is specified in law.





## Penalties

- If an OPMA violation occurs:
  - A court can impose a \$500 civil penalty against each member (personal liability) who knowingly attends a meeting in violation of OPMA; and \$1000 for a subsequent knowing violation.
  - Court will award costs and attorney fees to a successful party seeking the remedy.
  - Action taken at meeting can be declared null and void.

RCW 42.30.120; RCW 42.30.130; RCW 42.30.060



## Risk Management Tips

- Establish a culture of compliance with the OPMA.
- Receive training on the OPMA.
- Review available resources and institute best practices.
- Keep updated on current developments in OPMA and correctly apply the law.
  - *Remember: the OPMA can change through amendments, or develop through case law.*
  - *Remember: other laws can govern an agency's meeting procedures.*
- Consult with agency's legal counsel.

## OPMA Training

- The “Open Government Trainings Act” requires OPMA training for every member of a governing body within 90 days of taking their oath or assuming their duties. RCW 42.30.205.
- Refresher training occurs no later than every 4 years.
- Training can be taken online, in person, or by other means.
- Training resources, videos, and more information are available on the Attorney General’s Office Open Government Training Web Page:

<http://www.atg.wa.gov/OpenGovernmentTraining>



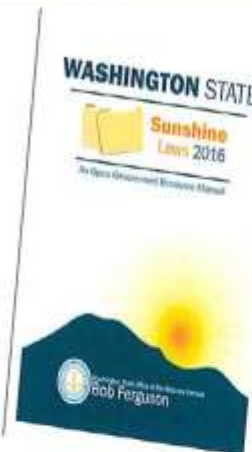
## OPMA Assistance

- The Washington State Attorney General’s Office may provide information, technical assistance, and training on the OPMA. Contact Assistant Attorney General for Open Government.
- The Attorney General’s Office may issue formal opinions about the OPMA for qualified requesters.
- The Attorney General’s Office has helpful materials about the OPMA and on other open government topics and resources, on its website at <http://www.atg.wa.gov/Open-Government>.
  - One example is the *Open Government Resource Manual* (see next slide).

RCW 42.30.210

# AGO Open Government Resource Manual

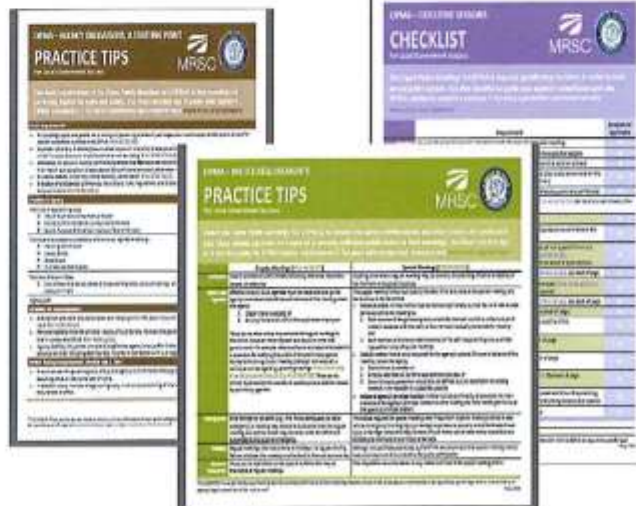
– Available on AGO Website\*



<http://www.atg.wa.gov/open-government-resource-manual>

\*\*Does not yet include statutory changes resulting from 2017 sessions

## Municipal Research & Services Center – Another Resource



Thank you for completing this training.

## Appendix G:

### Advocacy Partnership Project Partners:

- Washington State Developmental Disabilities Council
  - Informing Families
- Washington State Developmental Disabilities Administration
- Washington State Community Advocacy Coalition (CAC):
  - Association of County Human Services
  - Autism Family Support Foundation
  - Autism Society of Washington
  - Community Employment Alliance (29 member organizations)
  - Community Residential Services Association (61 member organizations)
  - DD Endowment Fund
  - Disability Rights Washington
  - Developmental Disability Ombuds
  - Family Resources, Education and Empowerment for Developmental Disabilities
  - Navarre & Pollowitz
  - People First of Washington
  - Self Advocates in Leadership - SAIL (238 members)
  - The Arc of Grays Harbor
  - The Arc of Island/Skagit County
  - The Arc of King County
  - The Arc of Kitsap
  - The Arc of Snohomish County
  - The Arc of Spokane
  - The Arc of Tri-Cities
  - The Arc of WA State
  - WA Partnerships for Action, Voices for Empowerment (PAVE)
  - Washington Initiative for Supported Employment (WiSe)
  - Washington State Parent Coalitions (14 Parent Coalitions)
  - Washington State Parent to Parent (22 chapters)
- Other Partners not specific to developmental disabilities:
  - AARP
  - Aging and Long Term Support Administration (AL TSA)
  - Alzheimer's Association -Washington Chapter
  - American Academy of Pediatrics - Washington Chapter
  - American Civil Liberties Union (ACLU)
  - Area Agency on Aging (AAA)
  - Office of Superintendent of Public Instruction (OSPI)
  - Service Employees International Union 775 (SEIU)
  - State Rehabilitation Council
  - State Independent Living Council
  - Toxic Free Future
  - Washington Federation of State Employees (WFSE)
  - Washington Low Income Housing Alliance
  - Washington State Insurance Commissioner
  - Working Interdisciplinary Network of Guardianship Stakeholders (WINGS)

### ***The Advocacy Partnership Project***

The Washington State Developmental Disabilities Council (DDC) established and funded the Advocacy Partnership Project in the 1990s. The Arc of Washington State (The Arc) has managed the contract for the DDC and has seen a steady increase in advocacy capacity building from people with developmental disabilities (DD) and their families. This has resulted in positive systemic change that can be seen in the policy changes made over the years as well as the growth in the Developmental Disabilities Administration (DDA) budget. There has also been better statewide collaboration among the diverse DD community groups around culturally competent policy issues. Promoting independence, productivity, integration and inclusion in the community for all people with DD and their families continues to be a priority.

#### **Some of the Advocacy Partnership Project activities include:**

- DD Candidate Questionnaire
- Online Legislator Survey
- Advocacy Days
- Rallies on the Capitol Steps
- Promoting Cultural Diversity
- Annual Statewide Legislative Reception
- DD Briefing
- DD 101
- Legislator Connections
- Committee Hearings
- Bills of Interest
- Budget Side-by-side
- Hot Tips Booklet
- Advocacy Brochures (2 languages)
- Comment Cards to legislators
- Weekly Handouts during session
- Blue Scarves
- Themed Buttons
- Travel Stipends
- Advocacy Day Evaluations
- Olympia Insider
- Olympia Reporter
- My Story Matters
- Legislative Notebook for DD Advocates
- Weekly Conference Call during session
- Social Media: Facebook (1,768), Twitter (960), LinkedIn (743)
- Update The Arc Web Site (1,338)
- Attend/take minutes/manage e-list (71) for Community Advocacy Coalition

2018 DEVELOPMENTAL DISABILITIES BILLS OF INTEREST				
Bill #	Title	Description	Sponsor	Status
<b>RESIDENTIAL</b>				
<a href="#">2SHB 1570</a>	Homeless housing	Expand homeless housing & assistance, WSIPP do study every 10 years, includes people w/disabilities	Rep Macri	Signed by Governor 3/15
<a href="#">HB 2382</a>	Land Trust	Requires state agencies to remit 10% of proceeds from sale of state property to the Housing Trust Fund	Rep Ryu	Signed by Governor 3/22
<a href="#">SSB 2448</a>	Housing for people with DD	Transfer property to non-profit supported living for person with DD, stay in it through their lifetime	Rep Senn	Signed by Governor 3/22
<a href="#">HB 2578</a>	Rental income source	Income other than employment cannot be used to deny rental or lease of housing	Rep Riccelli	Signed by Governor 3/15
<b>EDUCATION</b>				
<a href="#">SB 6257</a>	Early intervention	Department of children, youth, and families to oversee the provision of early intervention services	Sen Billig	Signed by Governor 3/23
<a href="#">SB 6419</a>	ECEAP	Increases enrollment in Early Childhood Education and Assistance Program by 25%	Sen Rolfes	Signed by Governor 3/21
<b>MEDICAL/MEDICAID</b>				
<a href="#">HB 2651</a>	Personal Needs Allowance	Increase the PNA to \$70 a month for people in residential and institutional care settings	Rep Stanford	Signed by Governor 3/21
<a href="#">SB 5179</a>	Hearing aides	Requires coverage for hearing instruments in public employee and Medicaid plans	Sen Bailey	Signed by Governor 3/21
<a href="#">SB 6163</a>	Telemedicine	Collaborative to enhance the understanding and use of health services provided through telemedicine	Sen Becker	Signed by Governor 3/23
<a href="#">SSB 6549</a>	Dental access	Children with I/DD covered until age 13 in the Baby and Child Dentistry Program	Sen Rolfes	Signed by Governor 3/21
<b>PROTECTIONS</b>				
<a href="#">HB 1239</a>	Records requests	Health care providers to provide free copy of health records to someone appealing a social security claim	Rep Sullivan	Signed by Governor 3/15
<a href="#">HB 1539</a>	Sexual abuse of students	Create Erin's law legislative task force to adopt model curriculum to prevent sex abuse of students	Rep McCabe	Signed by Governor 3/15
<a href="#">HB 2658</a>	Chemicals in food packaging	Bans PFAS chemicals from food packaging such as microwave popcorn and fast food	Rep McBride	Signed by Governor 3/21
<a href="#">HB 2398</a>	Jury selection	Jury selection provisions are expanded to prohibit exclusion on disability, service animals and more	Rep Kilduff	Signed by Governor 3/9
<a href="#">SB 6413</a>	Fire-fighting foam	Beginning in 2020, manufacturers cannot sell fire-fighting foam that contains PFAS chemicals	Sen Van De Wege	Signed by Governor 3/27
<b>OTHER</b>				
<a href="#">SB 6221</a>	ABLE Act (COM)	Program accounts may be invested in self-directed investment options, other modifications	Sen Walsh	Signed by Governor 3/15
<a href="#">HB 2822</a>	Service dog definition	Defines tasks a service dog performs and establishes a \$500 fine for misrepresenting an animal	Rep Steele	Signed by Governor 3/22
<a href="#">SSB 6199</a>	Individual provider management (DSHS)	Contract with one provider employment administrator that will coemploy individual providers	Sen Cleveland	Signed by Governor 3/27

The Arc of Washington State - [www.arcwa.org/take\\_action](http://www.arcwa.org/take_action)

Updated on 7/12/2018  
The Arc of Washington State



2018 SUPPLEMENTAL OPERATING BUDGET (Revised 3/8/18)									
Comparisons for Programs/Services for People with Developmental Disabilities									
Agency	BUDGET ITEM	GOVERNOR		SENATE: ESSB 4032		HOUSE: ESHB 2299		FINAL	
DDA	Increase staffing at all RHCs - 130.9 FTE	\$9.5 m GFS \$19.0 m TOTAL		\$7.1 m GFS \$14.2 m TOTAL		\$8.4 m GFS \$16.8 m TOTAL		\$7.8 m GFS \$15.6 m TOTAL	
DDA	SOLA - Move 47 people waiting to get out of RHCs to SOLAs in the community - 11.1 FTE	\$1.4 m GFS \$2.7 m TOTAL		\$1.4 m GFS \$2.7 m TOTAL		\$1.4 m GFS \$2.7 m TOTAL		\$1.4 m GFS \$2.7 m TOTAL	
DDA	Fircrest Laundry Backfill - 1 FTE to take laundry to Rainier	\$162,000 GFS \$323,000 TOTAL		\$162,000 GFS \$323,000 TOTAL		\$162,000 GFS \$323,000 TOTAL		\$162,000 GFS \$323,000 TOTAL	
DDA	RHC Vehicle Replacement at RHCs	\$75,000 GFS \$149,000 TOTAL		\$0 GFS		\$0 GFS		\$0 GFS	
DDA	RHC Maintenance - Replace doors, carpets, paint inside and outside and more	\$420,000 m GFS \$837,000 TOTAL		\$149,000 GFS \$297,000 TOTAL		\$149,000 GFS \$297,000 TOTAL		\$149,000 GFS \$297,000 TOTAL	
DDA	Consolidated maintenance - staff to address deterioration of physical assets & CMS requirements	\$549,000 GFS \$1.3 m TOTAL		\$325,000 GFS \$650,000 TOTAL		\$229,000 GFS \$458,000 TOTAL		\$325,000 GFS \$650,000 TOTAL	
DDA	RHC Equipment Replacement - Furniture, medical, kitchen, and more	\$24,000 GFS \$40,000 TOTAL		\$24,000 GFS \$40,000 TOTAL		\$24,000 GFS \$40,000 TOTAL		\$24,000 GFS \$40,000 TOTAL	
DDA	Increased RHC food and medical costs	\$353,000 GFS \$708,000 TOTAL		\$383,000 GFS \$768,000 TOTAL		\$383,000 GFS \$768,000 TOTAL		\$383,000 GFS \$768,000 TOTAL	
DDA	Utilization of Residential Services per June 2017 forecast (February 2018 for House/Senate/Final)	\$3.6 m GFS \$-252,000 GFF		\$823,000 GF-S \$-2.2m TOTAL		\$823,000 GF-S \$-2.2m TOTAL		\$823,000 GF-S \$-2.2m TOTAL	
DDA	Utilization of Supported Living Tiered Rates	\$623,000 GFS \$1.2 m GFF		\$0 GFS		\$623,000 GFS \$1.2 m TOTAL		\$623,000 GFS \$1.2 m TOTAL	
DDA	Supported Living Investigators-providers pay a per client fee	\$3.7 m by fee		\$0 GFS		\$3.7 m by fee		\$3.7 m by fee	
DDA	SSB 6237/ SHB 2651 to increase Personal Needs Allowance to \$70 a month			\$50,000 GFS \$100,000 TOTAL		\$44,000 GFS \$93,000 TOTAL		\$44,000 GFS \$93,000 TOTAL	
DDA	Parent to Parent expansion			\$290,000 GFS \$290,000 TOTAL		\$290,000 GFS \$290,000 TOTAL		\$290,000 GFS \$290,000 TOTAL	
DDA	Additional openings on the Individual and Family Services (IFS) waiver			\$0 GFS		\$1.1 m GFS \$2.3 m TOTAL		\$0 GFS	
DDA	Support Education Empowerment Disability Solutions (SEEDS) to support job training			\$75,000 GFS \$75,000 TOTAL		\$75,000 GFS \$75,000 TOTAL		\$75,000 GFS \$75,000 TOTAL	
DDA	Snohomish County Supported Living rates			\$0 GFS		\$564,000 GFS \$1.2 m TOTAL		\$0 GFS	
DDA	DDA help develop a plan to improve transition planning for students who meet criteria for DDA			\$0 GFS		\$0 GFS		\$0 GFS	
DDA	Create a specialty contract for adult family homes that serve only individuals with I/DD			\$0 GFS		\$0 GFS		\$0 GFS	
DDA	ESSB 6199 to contract with an employer for individual providers for admin functions			\$327,000 GFS \$807,000 TOTAL		\$327,000 GFS \$807,000 TOTAL		\$327,000 GFS \$807,000 TOTAL	
DSHS	Facilitate meetings and discussions about assuring appropriate level of care for Residential Habilitation Centers (RHC) clients			\$0 GFS		\$100,000 GFS \$200,000 TOTAL		\$0 GFS	
HCA	Access to Autism Services contract to help clients with autism to navigate the healthcare system			\$500,000 GFS \$500,000 TOTAL		\$500,000 GFS \$500,000 TOTAL		\$500,000 GFS \$500,000 TOTAL	
HCA	SSB 6549 for access to dental for children with DD through age 13			\$139,000 GFS \$278,000 TOTAL		\$139,000 GFS \$278,000 TOTAL		\$139,000 GFS \$278,000 TOTAL	
HCA	EZSSB 3179 to restore hearing aides under Medicaid			\$358,000 GFS \$1.5 m TOTAL		\$358,000 GFS \$1.5 m TOTAL		\$358,000 GFS \$1.5 m TOTAL	
HCA	Additional openings on the Individual and Family Services (IFS) waiver			\$0 GFS		\$570,000 GFS \$1.1 m TOTAL		\$0 GFS	
DOE	ESSB 6413 to ban Fire-Fighting Foam containing PFAS chemicals			\$0 GFS \$73,000 TOTAL		\$0 GFS		\$0 GFS \$73,000 TOTAL	
DOE	ESHB 2658 alternatives assessment for PFAS chemicals from food packaging			\$0 GFS		\$0 GFS \$97,000 TOTAL		\$0 GFS \$97,000 TOTAL	
COM	SHB 2267 expands eligibility for Housing and Essential Needs (HEN) and Aged, Blind, Disabled (ABD)			\$0 GFS		\$31,000 GFS \$31,000 TOTAL		\$31,000 GFS \$31,000 TOTAL	



OSPI	SHB 1539 to implement a sexual assault prevention program, curricula review, & legislature report		\$0 GFS 🙄	\$97,000 GFS 🙄 \$97,000 TOTAL 🙄	\$97,000 GFS 🙄 \$97,000 TOTAL 🙄
OSPI	Provide evidence based practices to address inequity in discipline for kids with disabilities		\$236,000 GFS 🙄 \$236,000 TOTAL 🙄	\$236,000 GFS 🙄 \$236,000 TOTAL 🙄	\$236,000 GFS 🙄 \$236,000 TOTAL 🙄
OSPI	Special education paraeducator training		\$250,000 GFS 🙄 \$250,000 TOTAL 🙄	\$0 GFS 🙄	\$250,000 GFS 🙄 \$250,000 TOTAL 🙄
OSPI	ESSB 6362 to increase the special education funding multiplier from .9309% to .9609%(S) to .975(H)		\$80,000 GFS 🙄 \$25.3 m TOTAL 🙄	\$19.8 m GFS 🙄 \$19.8 m TOTAL 🙄	\$21.2 m GFS 🙄 \$21.2 m TOTAL 🙄
OSPI	Reduce the special education safety net funding		(\$10 m) GFS 🙄 (\$10 m) TOTAL 🙄	\$0 GFS 🙄	\$0 GFS 🙄
OIC	2ESHB 2114 covers services provided at an out-of-network emergency department		\$0 GFS 🙄	\$0 GFS 🙄 \$327,000 TOTAL 🙄	\$0 GFS 🙄
LTC JLARC	JLARC to identify guardianship monitoring/training practices, LTC to develop a model program		\$0 GFS 🙄	\$150,000 GFS 🙄 \$150,000 TOTAL 🙄	\$0 GFS 🙄
JLARC	SHB 2248 for JLARC to measure the effectiveness of the DD housing tax preference		\$0 GFS 🙄	\$13,000 GFS 🙄 \$13,000 TOTAL 🙄	\$13,000 GFS 🙄 \$13,000 TOTAL 🙄
🙄 Support 🙄 Oppose 🙄 Have Concerns		Find budget links at <a href="http://www.ofm.wa.gov/budget15/recsum/default.asp">http://www.ofm.wa.gov/budget15/recsum/default.asp</a> for the Governor, <a href="http://leap.leg.wa.gov/leap/archives/index_budgetsp.asp">http://leap.leg.wa.gov/leap/archives/index_budgetsp.asp</a> for legislative budget proposals Dollar amounts listed are General Fund-State (GFS) or General Fund-Federal (GFF)			
Prepared by The Arc of Washington State 1.888.754.8798 - Updated 3/8/18					

## Appendix H:



# Self Advocates in Leadership (SAIL)

By Ivanova Smith

## What is SAIL

- SAIL is a coalition of over 200 people with intellectual and developmental disabilities from all across Washington state.



# Laws and Acts SAIL helped pass

- Respectful Language Bill (first, second, and third)
- Reauthorizing the ACCT
- Accessible Parking- removed the word disabled from signs.
- Disability History Month
- Accessible voting
- Kevin's Law- Transition students can graduate with their class.
- Able Act, this federal mandate for people with disability who have social security to be able to save their income.
- Down Syndrome Information act- When women receive a Down syndrome diagnosis they are given a pamphlet about Down Syndrome- 2016
- DD Ombuds- creation of developmental disability ombuds-2016
- Trevor's Law- this allowed first responders to get training in autism and other disabilities and how to help families during emergency.
- PFS food packaging act- which took out harmful chemicals out of food packaging. -2018
- Rental income source act, this makes it so people that have income not through employment can still get apartment. Landlords can't discriminate based on source of income.-2018
- Telemedicine law, this is to help improve the process of telemedicine so it more accessible for people.-2018
- Ban the use of Sub Minimum wage in seattle-2018



# Membership

- SAIL is a coalition of members from other self advocacy organizations in Washington including People First, Allies in Advocacy, and ASAN
- 24 Counties across the state are represented in SAIL
- Members participate, in person, online, and via phone calls with the coordinator



## Monthly meetings



- SAIL holds monthly meetings the second Tuesday of the month in SeaTac Washington
- Members in the Tri Cities participate via Skype, we want to expand this.
- Members who can't participate call for updates
- Each month notes from the meeting get sent out along with a newsletter update and a look into upcoming events.



## Legislative Agenda

- Each year SAIL members put out a legislative agenda
- Last years included:
  - Transition services
  - Youth with disabilities
  - No cuts to DDA services
  - Accessible transportation
  - Closing the RHCs
  - Banning Subminimum Wage



# Hosting Advocacy Days



- SAIL works with the Arc of Washington and the DDC to host Advocacy Days

Update public on bills and budget issues

Each week has a focus (Employment, Services, Independence, families, Autism, support)

SAIL members pass out informational flyers and buttons to legislators

Attend hearings in groups and participate!



# Focus on social media

- SAIL uses Facebook and twitter to spread it's message and connect with members
- Both are rapidly growing
- Use of email list to share information
- 5 members are a part of a rapid response team
- Looking into more forms of media



# Working with other partners

- SAIL works with other Advocacy groups
  - Community Advocacy Coalition (CAC)
  - Disability Rights Washington
  - Special Olympics
  - Center for Independent Living
  - DDA
  - Community Employment Alliance
  - Other Self Advocacy Orgs, People First and Allies In Advocacy.
  - DD Ombuds



# Future goals



- Pass more bills
- Add more remote cities to skype into the meeting
- More members active on workgroups
- Be seen as equal partners on DD issues
- Reach more counties
- Work with national partners

## Appendix I:

### Developmental Disabilities Policy Seminar

Washington, D.C.  
April 23-25, 2018

#### Policy Points for Washington State DDC

1. Keep critical funding for DD Councils (nationally) at \$73,000,000-level funding.
2. Prevent cuts to Medicaid and don't "Cut and Cap" spending.
3. Don't eliminate funding for the LEND Programs.
4. Support EMPOWER Care Act which extends "Money Follows the Person."

#### Policy Areas for the Seminar for 2018

1. Civil Rights and Community Living  
Examples: ADA Education and Reform, Money Follows the Person, Long Term Supports and Services, Home and Community Based Services Settings.
2. Medicaid and Healthcare  
Examples: No Repeal of ACA, Protect Medicaid with no "Cut and Cap" spending, End Waiting Lists, No Work Requirements.
3. Social Security and SSI  
Examples: Reject Any Cuts to Social Security or SSI, End Marriage Penalties, End the SSDI 2-year Waiting Period for Medicare.

## Seminar (cont.)

### 4. Education

Examples: Restraint and Seclusion, Teacher Recruitment and Preparation, Higher Education Act (TPSID), Education Savings Accounts.

### 5. Federal Funding

Examples: Maintain Discretionary Programs (Assistive Technology, Family Caregiver Support, DD Councils, LEND Programs), Increase Funding for Disability Programs,

and my personal favorite...

Develop a Long Term Plan to Provide Essential Supports, Services and Programs for People with Disabilities and Their Families.



## Hill Visits on Wednesday







Thank you for making this trip possible!

## Appendix J:

# National Public Policy Update

Issues summarized at the annual NACDD meeting July 11-12, 2018

## FEDERAL BUDGET SUCCESS

- DD Councils were zeroed out in the President's Budget for FY2018, and were proposed to be folded in with other Councils.
- Strong and well-organized advocacy efforts resulted in the DD Councils being reinstated in the budget and receiving an increase in funding to \$76 million.
- Budget request for FY19 is \$76 million.

## Other Issues of Note

- Electronic Visit Verification Implementation delayed – on Tuesday of this week the Senate passed legislation, already passed in the House. This legislation will delay the proposed reduction in federal funding for Medicaid personal assistance services furnished without an electronic visit verification. This will now go to the President for signature.

## RHC Work Group Update

- The State Budget Act passed this Spring requires that the State Department of Social and Health Services contract with a neutral party (Ruckelhaus Center) to facilitate meetings and discussions about how to support appropriate levels of care for residential habilitation clients based on the clients' needs and ages.
- *An agreed-upon preferred vision must be included within a report to the office of financial management and appropriate fiscal and policy committees of the legislature before December 1, 2018. The report must describe the policy rationale, implementation plan, timeline, and recommended statutory changes for the preferred vision.*

## Task Force Membership

- One member of each of the two largest caucuses in the Senate
- One member of each of the two largest caucuses in the House
- One member from the governor's office
- One member from the DD Council
- One member from the ARC of Washington
- One member from each of the two unions (SEIU & Federation of State Employees)
- One member from the DD Administration in DSHS
- One member from the Aging & Long Term Support Administration in DSHS
- Two members who are family members or guardians of current RHC residents

## Work Plan for Task Force

- Meeting monthly
- Significant reading/analysis between meetings
- Info received for July 30, 2018 meeting indicates that we will be "digging in" to critical issues at this meeting
- Work must be completed by end of October, so the report can be sent to the Governor's Office for review in November.

## Critical issues currently in the RHCs

- Refer to “Transforming Lives” handout
- Rainier School now has all three Program Area Teams (PATs) decertified, with appeals pending on two of them.
- Fircrest school has one PAT pending settlement agreement

## Potential costs of decertification

- Average cost per person per day now in the RHCs is \$1,000
- If the four PATs are all decertified, the cost to the State will be \$1 million per month for each PAT – or a total of \$48 million annually

## Appendix K:

Reading 18-11



### 2018 Legislative Agenda



### 2018 Advocacy Days in Olympia:

- 1/17 DD Briefing, Leg. Reception
- 1/24 Community Residential Services & Rally
- 1/31 Self Advocacy & Disability Pride
- 2/07 Family Services
- 2/14 Disability Protections
- 2/21 Employment Day & Rally
- 2/28 Budget Overview
- 3/07 Take Note

**The DD Council will consider the following when deciding to support or oppose budget and policy proposals:**

- ⇒ Is the proposal consistent with the values of the Council's federal law, and Council policies and principles?
- ⇒ Does the proposal address the goals of disability policy for individuals with developmental disabilities; namely Self-Determination, Equality of Opportunity, Full Participation, Independent Living and Economic Self Sufficiency?
- ⇒ Does the proposal invest in home and community services that protect independence, stability and employment?
- ⇒ Is the proposal sustainable with respect to both short and long-term revenue growth options so that people who require publicly-funded services are appropriately supported in the community?
- ⇒ Does the proposal assist people with developmental disabilities and their families to access needed services?
- ⇒ Does the proposal explore efficiencies in the DD system and reinvest savings to serve people with developmental disabilities, especially those who are unserved?

**Reading 18-11**

**The Washington State DD Council Supports Proposals that:**

- ◆ Stabilize funding for home and community-based services that support children and adults with intellectual/developmental disabilities and their families across the life course.
- ◆ Remove barriers to improve access to local and community supports so that people can choose the types of services that best enable them to live meaningful and productive lives.
- ◆ Uphold the human and civil rights of people with intellectual/developmental disabilities to live lives that are integrated, inclusive and free from abuse, neglect, exploitation and isolation.





## Appendix L:

### Workforce Development Summary July 19, 2018 – Donna Patrick

#### Transition Task Force (Secondary Transition Collaboration Group – OSPI, DDA, DVR, CCTS, and DDC

“Explore development of an implementation plan to build statewide capacity among school districts to improve transition planning for students in special education who meet criteria for services from DDA and provide all school districts with an opportunity to participate.” November 2018 preliminary report and November 2020 final report.

Determining different federal laws, terminology, populations, requirements, planning documents, opportunities for local and state collaborations. Fill out “Factors Impacting Students and Families” if you want to provide input.

#### Independent Providers/Home Care Aides

DSHS Home and Community Services Independent Provider Training Programs: High School Home Care Aide, Home Care Aide and Nursing Assistant Certified

Working with SEIU on potential legislation coming out of meetings with their parent providers

Career Connect Washington – Governor, OSPI, Workforce and Education Board, Labor and Industries, Department of Health, State Board of Education – Mission: “Every young adult in Washington will have multiple pathways toward economic self-



sufficiency and fulfillment, strengthened by a comprehensive state-wide system for career-connected learning” Working with Shelby Satko with the Rehabilitation Council to get disabilities on the radar screen.

DDA and the Health Care Authority (HCA)

Behavioral Health issues – people are required to go to their managed care organization for behavioral health (federal Medicaid requirement) but they don’t have the providers and expertise yet. DDA is looking at possible Medicaid waiver amendments to cover some of the behavior needs.

## Appendix M:

### **Reading 18-12**

We, the undersigned organizations, oppose the practice of paying workers with Disabilities subminimum wage. On April 13, 2018, Seattle joined the states of Alaska, New Hampshire, Vermont and Maryland, in ending the outdated practice of allowing subminimum wage employment of people based on their disabilities. We do not believe workers should be discriminated against on the basis of disability and join the growing coalition advocating for an end to state laws that allow such discrimination.

We believe all workers should be fairly compensated and are entitled to the same minimum wage protections regardless of their disability status. We hope the State of Washington will join other states and cities in taking the lead to put an end to this unfair employment practice.

Sincerely,

Able Opportunities, Inc.

Allies in Advocacy

The Arc of King County

ASUW Student Disability Commission

Autistic Self Advocacy Network

Autistic Women & Nonbinary Network

AtWork!

Community Employment Alliance

Downtown Emergency Service Center (DESC)

Disability Rights Washington

Geeks Without Bounds

Morningside

National Federation of the Blind of Washington

Open Doors for Multicultural Families

Seattle Commission for People with Disabilities

Seattle LGBTQ Commission

Self Advocates in Leadership (SAIL)

TASH

Washington Low Income Housing Alliance

Working Washington

Work Opportunities